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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/077,303 | 02/15/2002 | Hideshige Ogura | 86423 | 3381 |
| 24628 | 7590 | 04/19/2005 | EXAMINER | |
| WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606 | | | | EJAZ, NAHEED |
| | | ART UNIT | | PAPER NUMBER |
| | | 2631 | | |

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/077,303 | OGURA, HIDESHIGE |
| | Examiner Ejaz Naheed | Art Unit 2631 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 February 2002.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2001-41383, filed on 02/19/2001.

Specification

Abstract

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is objected to because it contains the word 'means' (see line 6). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraph of 35 U.S.C.102 that form the basis for the rejection under this section made in this Office Action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

Claim 1-4 are being rejected under 35 U.S.C. 102(b) as being anticipated by Nady (U.S. 4,215,431).

Refer to claim 1, Nady discloses a wireless transmission system (figure 2) comprising:

a) A transmitter (block 36) which further comprises; Two midband preemphasises (blocks 37 and 41); An amplifier (block 38); A variable gain control (block 39); An average value detector (block 40). (see column 2, lines 42-62)

b) A receiver in (block 51) in (figure 4) which further comprises; A midband preemphasis (block 55); An average value detector (block 54); A variable gain (block 53); An audio amplifier (block 56); A midband deemphasis (block 57). (see column 3, lines 30-49).

Refer to claim 2, Nady discloses that there is a midband preemphasis which further comprises additional midband preemphasis (see column 5, lines 37-42). He also mentions that 'noise reduction expansion' has mid band deemphasis (see column 6, lines 40-43). Nady's teaching shows that one can make changes to his invention and have the same effect which is 'noise-free transmission' (see column 4, lines 58-65).

Refer to claim 3, Nady discloses that variable gain can be controlled by using a detector (see column 2, lines 50-54 and column 3, lines 37-41)

Refer to claim 4, Nady discloses that average value detector can be used to control gain (blocks 36 and 51, figures 2 and 4) and (column 5, lines 46-47, column 6, lines 1-5). It is noted that the specification does not provide a detailed description of how the rectifying circuit works nor it does provide an explanation as what the function of rectifier is. Therefore, in the absence of such disclosure, the examiner has interpreted the rectifier limitation in its broadest term. Therefore, average value detector (block 54, figure 4) has been treated to meet this limitation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The K.H. Meier reference, U.S. patent 2,220,260 patented on 11/05/1940 and the Williamson et al reference, U.S. patent 5,091,952 patented on 02/25/1992 are cited for showing a rectifier in order to control gain for noise-reduction purposes (page 2, column 2, lines 65-70 and page 3, column 1, lines 51-54) and (column 9, lines 13-22) respectively.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naheed Ejaz whose telephone number is 571-272-5947. The examiner can normally be reached on Monday - Friday 7:30 - 4:30.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Naheed Ejaz
Examiner
Art Unit 2631


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER